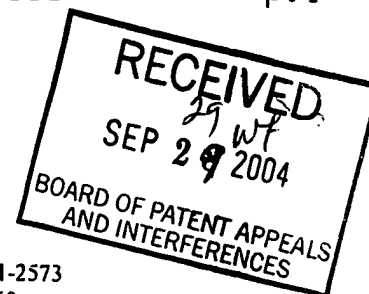


ZILKA·KOTAB

PC
ZILKA, KOTAB & FEECE™95 SOUTH MARKET ST. STE 420
SAN JOSE, CA 95113TELEPHONE (408) 971-2573
FAX (408) 971-4660

FAX COVER SHEET

Date: September 29, 2004	Phone Number	Fax Number
To: Appeal Briefs- Patent		(703) 305-0942
From: Kevin J. Zilka		

Docket Number: NAI1P157/00.091.01

Application Number: 09/678,010

Total Number of Pages Being Transmitted, Including Cover Sheet: 33

Please deliver to the Board of Patent Appeals & Interferences.

Thank you,

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (if long distance, please call collect) and return the original message to us at the above address via the U.S. Postal Service. Thank you.

IF YOU DO NOT RECEIVE ALL PAGES OR IF YOU ENCOUNTER
ANY OTHER DIFFICULTY, PLEASE PHONE Erica
AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

Practitioner's Docket No. NAI1P157/00.091.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lucas et al.

Application No.: 09/678,010

Group No.: 2131

Filed: 10/3/2000

Examiner: Chen, Shin Hon

For: PROVIDING BREAK POINTS IN VIRUS SCANNING OPERATION

Mail Stop Appeal Briefs – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on September 27, 2004.
2. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"

Mailing Label No. (mandatory)

TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office. (703) 305-0942.

Date:

9/29/2004

Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 1.17(c), the fee for filing the Appeal Brief is:

other than a small entity \$330.00

Appeal Brief fee due \$330.00

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$330.00
Extension fee (if any) \$0.00

TOTAL FEE DUE \$330.00

6. PAYMENT OF FEES

The commissioner is authorized to charge deposit account 50-1351 (NAIIP157) in the amount of \$330.00. A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAIIP157).

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875

Signature of Practitioner

Kevin J. Zilka
Silicon Valley IP Group, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA